

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

-PS-O-

RAYMOND GONZALEZ, 99A1878,

Plaintiff,

-v-

Dr. LESTER WRIGHT, et al.,

Defendants.

FILED
2005 AUG 2 8 11 AM
U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DECISION AND ORDER
05-CV-6472CJS

Plaintiff has filed a *pro se* complaint under 42 U.S.C. § 1983 and has been granted *in forma pauperis status* pursuant to 28 U.S.C. § 1915. This Court is required to see that all litigants receive proper representation of counsel under the criteria set forth in *Cooper v. A. Sargenti Co.*, 877 F.2d 170 (2d Cir. 1989), and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986). In addition, courts have the inherent authority to assign counsel to represent private indigent litigants. See *In re Smiley*, 36 N.Y.2d 433, 438 (1975).

More importantly, each lawyer — especially those who are admitted to practice in federal court and who therefore are in a position to reap the benefits of such practice — has an ethical obligation under the Code of Professional Responsibility to provide *pro bono* services for the poor. New York Code of Professional Responsibility, Canon 2, EC 2-16; EC 2-25. "Every lawyer, regardless of professional prominence or professional workload, should find time to participate in serving the disadvantaged." EC 2-25. In addition, Rule 83.1(g) of the Local Rules of Civil Procedure provides as follows:

Every member of the bar of this Court shall be available upon the Court's request for appointment to represent or assist in the representation of indigent parties. Appointments under this rule shall be made in a manner such that no attorney shall be

requested to accept more than one appointment during any twelve month period.

It is in this spirit that the Court assigns Jeffrey J. Calabrese, Esq. of Harter, Secrest and Emery LLP, 1600 Bausch & Lomb Place, Rochester, NY 14604, *pro bono*, to faithfully and diligently represent plaintiff in this case as lead counsel and Kate Houghton, Esq., of Harter, Secrest & Emery LLP to represent plaintiff as co-counsel.

The Clerk of the Court is directed to copy the file in this matter and send it to Jeffrey J. Calabrese, together with a copy of this order and the Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel.¹ Plaintiff's attorney is directed to contact the undersigned by **August 29, 2006** to request a date for a status conference to discuss further proceedings in the case.

SO ORDERED.

Dated: 8/2, 2006
Rochester, New York



JONATHAN W. FELDMAN
United States Magistrate Judge

¹This information and the forms are also available on the Court's web site at the Attorney Information link from the home page located at: <http://www.nywd.uscourts.gov/document/fundreimbvoweb.pdf>.